

EXHIBIT 3

A.H., ET AL. vs COUNTY OF SAN BERNARDINO, ET AL.
Mark Rios on 06/25/2024

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA

3

4 A.H., et al,

5 Plaintiffs,

6 vs.

Case No.: 5:23-cv-01028-JGB-SHK

7 COUNTY OF SAN BERNARDINO, JUSTIN
8 LOPEZ, and DEOS , inclusive,

9 Defendants.

10 AND ALL RELATED CROSS-ACTIONS.

11

12

13 DEPOSITION OF MARK RIOS

14 June 25, 2024

15 12:45 PM

16

17 REMOTE DEPOSITION VIA TELECONFERENCE

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24 REPORTED BY:
ELIZABETH CHAE
25 CSR No. 14633

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1 A. Yes, ma'am.

2 Q. And at some point did you decide to respond to
3 assist Deputy Lopez?

4 A. Yes, ma'am.

5 Q. And I imagine since you are the Watch
6 Commander, you made that decision yourself? There
7 wasn't anybody else that assigned you to the call?

8 A. No, ma'am. I made the decision.

9 Q. And what was the particular reason that you
10 decided to respond?

11 A. Due to a subject running from a deputy.

12 Q. Okay. And was it your understanding, if you
13 knew one way or the other, at the time of the incident
14 that Deputy Lopez was handling the incident on his own?

15 A. Can you...

16 Q. Yeah, I can clarify. What I'm asking is, when
17 you heard the communication "one running", did you have
18 an understanding if Deputy Lopez was the only officer on
19 scene with that suspect at that time or whether he had a
20 partner officer with him?

21 A. I had no idea if there was somebody with him or
22 he was by himself. I was just listening to the traffic.

23 Q. Okay. Did you make any communications over the
24 radio indicating that you were going to respond to
25 assist Deputy Lopez?

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1 was -- and stood up as I was getting out of my vehicle.

2 Q. And at that time, when you're making this
3 observation, did you see any civilians in the vicinity
4 of Deputy Lopez or Mr. Holland?

5 A. I did not.

6 Q. Did you search Mr. Holland and some point?

7 A. Yes, ma'am.

8 Q. And was that pretty shortly after you arrived?

9 A. Yes, ma'am.

10 Q. After you arrived on scene, but before you
11 searched Mr. Holland, did you ask any Deputy whether
12 anyone had already conducted a pat-down search of
13 Mr. Holland?

14 A. I don't recall, ma'am.

15 Q. Did you find any weapons on Mr. Holland's
16 person?

17 A. I did not.

18 Q. Did you ever observe any weapons in the
19 vicinity of Mr. Holland?

20 A. I did not.

21 Q. And that would obviously be other than the
22 deputies' weapons, just to clarify. Do you know one way
23 or the other whether any weapons were found on
24 Mr. Holland's person after the shooting?

25 KAYLEIGH ANDERSEN: Object to the extent it calls

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1 for speculation, but you can answer.

2 THE WITNESS: I do not.

3 BY RENEE MASONGSONG:

4 Q. Did you observe a cell phone near Mr. Holland?

5 A. Yes, ma'am.

6 Q. And as far as you recall, where was that cell
7 phone located in relation to Mr. Holland?

8 A. Ma'am, I believe it was approximately 3 feet
9 east -- northeast from him.

10 Q. And other than the cell phone, did you see any
11 other objects near Mr. Holland at that time?

12 A. A hat.

13 Q. When you first arrived on scene did you say
14 anything to Deputy Lopez?

15 A. I believe Deputy Lopez asked me if I had a
16 trauma kit.

17 Q. And after he asked you that, did you go get the
18 trauma kit?

19 A. Yes, ma'am.

20 Q. And other than that communication, did you have
21 any other conversation with Deputy Lopez outside of the
22 Public Safety Statement?

23 A. No, ma'am.

24 Q. At any point when you were on scene, did you
25 ever hear Deputy Lopez say that he saw a gun?

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1 A. No, ma'am.

2 Q. At any point when you were on scene, did you
3 ever hear Deputy Lopez say that he needed to find a gun?
4 And to clarify, to find a gun that may have belonged to
5 the suspect.

6 A. Can you please re-ask that, ma'am?

7 Q. Yeah, yeah, I'm sorry. That was kind of a
8 clumsy question. At any point when you're on scene, did
9 you hear any communications from Deputy Lopez indicating
10 that the area needed to be searched for a gun?

11 A. I don't recall him making that statement,
12 ma'am.

13 Q. And I understand it that you took the Public
14 Safety Statement from Deputy Lopez that we referred to
15 earlier. Was that before or after you searched
16 Mr. Holland?

17 A. After.

18 Q. And would that also be after any medical
19 treatment was provided to Mr. Holland, if you know?

20 A. The paramedics arrived first, I believe, ma'am.
21 And then I took his statement.

22 Q. And during the Public Safety Statement, did
23 Deputy Lopez tell you that he fired about five to six
24 rounds?

25 A. Yes, ma'am.

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1 Q. And at any point, did you ever learn how many
2 rounds were actually fired during the incident?

3 A. I have not asked. No, ma'am.

4 Q. And during the Public Safety Statement, did
5 Deputy Lopez tell you that he was about seven yards away
6 from Mr. Holland when he fired his rounds?

7 A. I don't recall exactly, ma'am, but I believe
8 that's roughly the estimate.

9 Q. Okay. And just a few more questions on this
10 point. At any point when you were on scene, did you
11 ever hear Deputy Lopez say that Mr. Holland had turned
12 toward him?

13 A. I don't recall, ma'am.

14 Q. And do you recall ever hearing Deputy Lopez say
15 that Mr. Holland stated to him that he had a gun?

16 A. Can you ask that again please, ma'am.

17 Q. Sure. At any point when you were on scene,
18 did you ever hear Deputy Lopez say that Mr. Holland told
19 him that he had a gun?

20 A. Ma'am, I don't recall. It was pretty crazy. I
21 was trying to get people there, trying to make sure
22 everything was taken care of.

23 Q. Understood. As some point did you search for
24 some wounds or injuries on Mr. Holland?

25 A. Yes, ma'am.

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1 A. Yes, ma'am.

2 Q. Have you been trained as a peace officer that
3 deadly force can only be used when the officer has an
4 objectively reasonable belief that the suspect poses an
5 immediate threat of death or serious bodily injury?

6 A. Yes, ma'am.

7 Q. Have you received some training as a peace
8 officer that when it is feasible to do so, an officer
9 should give a verbal warning before using deadly force?

10 A. Can you ask that again please, ma'am?

11 Q. Sure. Have you received some training that an
12 officer should give a verbal warning before using deadly
13 force when it is feasible to do so?

14 A. I don't know that I completely understand that
15 question. It's not always feasible to give a verbal
16 warning.

17 Q. And in the context of your training with
18 respect to deadly force at the Academy, were you ever
19 told that you should tell the suspect that you're going
20 to discharge your weapon as a peace officer if it's
21 feasible to do so?

22 A. No, ma'am.

23 Q. Okay. Do you have any training with respect to
24 foot pursuits?

25 A. Yes, ma'am.

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1 STATE OF CALIFORNIA)

2 I, ELIZABETH CHAE, Certified Shorthand Reporter,
3 in and for the State of California, Certificate No. 14633,
4 do hereby certify:

5 That prior to being examined, the witness named
6 in the foregoing deposition was by me first duly sworn to
7 testify to the truth, the whole truth, and nothing but the
8 truth.

9 That said deposition was taken before me at the
10 time and place therein set forth and were taken down by me
11 in shorthand and thereafter transcribed into typewriting
12 under my direction and supervision.

13 I further certify that I am neither counsel for,
14 nor related to, any party to said action, nor in any way
15 interested in the outcome thereof.

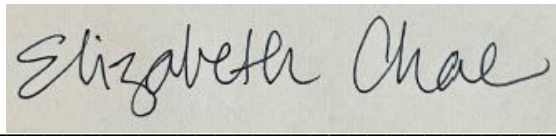
16 In witness whereof, I have hereunto subscribed
17 my name.

18 Dated: June 25, 2024

19

20

21


ELIZABETH CHAE
CSR No. 14633

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